

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

STATE OF TEXAS,

Plaintiff,

v.

JOSEPH R. BIDEN, JR. et al.,

Defendants.

Civil Action No. 4:21-CV-579-P

**DEFENDANTS' MOTION FOR LEAVE TO FILE
RESPONSE IN EXCESS OF PAGE LIMITS**

Defendants, various federal officials and agencies, respectfully request the Court's leave to file a response to plaintiff State of Texas's motion for preliminary injunction in excess of the 25-page limit set by the local rules. Texas commenced this action by filing a 33-page complaint challenging certain actions taken by the government relating to immigration during the COVID-19 pandemic, and then filed a motion for preliminary injunction and supporting brief that together total 35 pages. (*See* Doc. 1; Doc. 21; Doc. 22.)

Under local civil rule 7.2(c), motions and responses (other than for summary judgment) are normally limited to 25 pages. The government seeks the Court's leave to exceed that page limit for its response to Texas's preliminary-injunction motion, so that

the government may file a single consolidated response of no more than 40 pages.¹ The government respectfully submits that a response of this length is appropriate under the circumstances given the length of Texas's complaint and preliminary-injunction materials, the important government interests at stake involving the government's response to the COVID-19 pandemic in the context of immigration, and the "extraordinary" and "drastic" relief that Texas is seeking in the form of a preliminary injunction. *See Canal Auth. v. Callaway*, 489 F.2d 567, 573 (5th Cir. 1974). The government does not intend to burden the Court with unduly lengthy briefing, but rather believes that a response of the length requested herein is necessary to provide a comprehensive response to Texas's motion and relevant portions of the underlying complaint upon which the request for a preliminary injunction is based, and would aid the Court in its decisionmaking process.

For all these reasons, the government requests that the Court grant leave for the government to file a response to Texas's preliminary-injunction motion of no more than 40 pages.

¹ Defendants are in the process of finalizing their response and anticipate that it will actually be no more than 39 pages. Defendants will file their response on the docket after this motion is filed.

Respectfully submitted,

PRERAK SHAH
Acting United States Attorney

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Attorneys for Defendants

Certificate of Conference

I have attempted to confer with plaintiff State of Texas about the relief requested herein by email sent to Texas's counsel on July 6, 2021, but as of when this motion is being filed, I have not yet heard back so I do not yet know Texas's position. (Emails were sent at approximately 1:58 p.m. today and then again at 8:16 p.m., so it may be that Texas has not yet had a chance to consider them, and I will file an updated certificate of conference if and when I do hear back.)

/s/ Brian W. Stoltz
Brian W. Stoltz
Assistant United States Attorney

Certificate of Service

On July 6, 2021, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Brian W. Stoltz
Brian W. Stoltz
Assistant United States Attorney